

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA**

Laron Young,)	
)	
Plaintiff,)	ORDER
)	
vs.)	
)	
Bismarck Police Department, et al.,)	Case No. 1:19-cv-210
)	
Defendants.)	

This case involves claims brought under 42 U.S.C. § 1983 by Laron Young, a pro se pretrial detainee being housed at the Heart of America Correctional and Rehabilitation Center in Rugby, North Dakota. IN October 2019 the Clerk’s office received a partially completed subpoena duces tecum from Young. The court construes this as a request for a subpoena duces tecum to be served on Bismarck Police Chief Draovitch.

Young’s subpoena request is premature given the present posture of this case. The court has yet to complete its initial review of Young’s complaint as mandated by 28 U.S.C. § 1915A. Assuming that Young’s complaint survives initial review, defendants will need to be served with the summons and complaint. Upon receipt of the complaint, they will be afforded time to file an answer or otherwise respond. See Fed. R. Civ. P. 12(a)(1). Thereafter, the parties will be given time to confer and submit proposed scheduling plans. See Fed. R. Civ. P. 26(f). Only after the court has reviewed the parties’ scheduling plan and issued a scheduling order will Young be permitted to commence discovery. See Fed R. Civ. P. 26(d)(1) (providing relevant part that “[a] party may not seek discovery from any source before the parties have conferred as required by Rule 26(f), except . . . when authorized by these rules, stipulation or court order.”). And even then he will have to demonstrate, among other things, there are no other means of obtaining the documents he seeks

before the court will authorize the issuance of a subpoena.

Accordingly, Young's request is **DENIED** without prejudice.

IT IS SO ORDERED.

Dated this 6th day of November, 2019.

/s/ Clare R. Hochhalter
Clare R. Hochhalter, Magistrate Judge
United States District Court